

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO. 1193 OF 2005

IN

SUIT NO. 2643 of 1987

Mubarakunnisa w/o. Mohamed Naseem

(since deceased through her heirs and
legal representatives:

a) Mohammed Naseem Ali Afsar & Ors. ..Plaintiffs.

Vs.

Moinuddin Moh. Usman Khan & Ors. .. Defendants

And

Laxmi Chand Shah & Anr. ..Respondents

Mr. A.N.Maniyar for plaintiffs.

Mr. P.R.Gyani with N.R.Gandhi for Defendants Nos.1 to
5, 6(b) and 7.

Mr. S.S.Pednekar i/b. S.M. Oak for Defendant No.6(c).

CORAM: S.K.SHAH, J.

DATE : 22nd December, 2005.

P.C.

1. The plaintiffs have taken out this Notice of Motion seeking relief of appointment of Receiver and other reliefs mainly on the allegation that the

defendants are likely to dispose of the property and making specific allegation with regard to the property bearing Kadi No.184 having been disposed of. The defendants have filed affidavit in reply to the Notice of Motion and explained the position that all the suit

properties are in possession of the defendants and none of the suit properties have been disposed of since after 1991.

2. As regards the property of 20 acres of agricultural land situated at Village Lohra-Gujehra, District Azamgadh, U.P., the learned Counsel for the defendants made a statment that they are still in possession of 20 acres of agricultural land situated at the said vilage. The 20 acres of land has not been specifically described and therefore in view of the statement made in the affidavit in reply, it would be inconsonance with the property No.9 described in Exhibit "AS" tio the plaint.

3. The learned Counsel for the dendants states that none of the suit properties will be disposed of by the defendants as the injunction is already running against them, except the property Kohinoor Manzil which is at Sr. No.7 and Sneh Sadan which is at Sr. No.6 in Exhibit "A" to the plaint. These two properties are already disposed of before 1991.

4. In view of this, this Notice of Motion is disposed of. The suit is already expedited.

5. The suit shall be placed for framing of issues.

(S.K.SHAHA, J.)